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I would like to start by saying that I should not be here. Alejandro Plaz and Maria Corina Machado, the president and the vice-president of SUMATE should be addressing this prestigious audience instead of me. But unfortunately for SUMATE and shamefully for Venezuela, both of them have been accused of “conspiracy to destroy the Venezuelan Republican system”. Their trial is set to start on December 6th, 2005 and last week, when they were preparing their trip to attend your invitation, the judge in charge of the case, violating once more the principles of due process, issued them a prohibition to leave the country. The proof held by the prosecutors to initiate this political trial against my colleagues is the \$31,400 donation from the National Endowment for Democracy (NED) to SUMATE to develop and teach courses on democratic principles and citizen rights. Alejandro and Maria Corina are just another example of the political persecution suffered by hundreds of Venezuelans. Today there are more than 200 political prisoners in my country while a much larger number is being accused with the sole purpose of preventing them from dedicating their full attention to their political rights. Leaders such as recently elected mayors, former governors, former Supreme Court justices, journalists, military officers, trade union leaders and members of NGOs defending democratic principles and human rights have to divide their time and energies between what they want to do to improve their country and what they need to do to stay out of arbitrary imprisonment.

In Venezuela there is not only persecution but also political discrimination. Today more than 3,450,000 citizens are politically segregated for having signed a petition for a Presidential Recall Referendum in 2003. The list of those who signed was put into an easily searchable dataset and published by a member of the government party, congressman Tascón on his website. Those who are on that list have become second class citizens, many losing their public-sector jobs or restricted from benefiting from public services. Over a year after the list was published, President Chavez was forced to respond to public opinion pressures against this form of discrimination and in April 2005 he acknowledged the problem and stated on national TV: “Lets bury the Tascón List! ... The famous list perhaps had a significant role at a specific moment, but that is over”. But the infamous Tascón list has not been buried. Instead, it has been enriched with additional data on electoral behavior and participation in government-sponsored programs and has

become the Maisanta list. With it, Big Brother is creating an environment of fear and intimidation against independent political expression.

In fact, in Venezuela today, political discrimination is the policy of the State. President Chavez said a year ago in November 2004 in Fuerte Tiuna the Caracas military garrison: “In this new phase, he who is with me, is with me; and he who is not with me, is against me... Today I announce the offensive to impede that [the opposition] reorganize. Speaking in military terms, if they try to reorganize we shall attack and harass them without rest.” Yes, Venezuelans are afraid of the presidential wrath.

Also, the powers of the General Public Prosecutor have been used as a weapon against the political opposition and as a shield against corruption. Since his appointment on December 2000 Isaías Rodríguez, former Vice President of Venezuela appointed by President Chavez, more than 400 legal proceedings have been initiated against political opposition leaders. Nevertheless, very few have been initiated by the General Public Prosecutor against any supporter or member of the government, in spite of massive evidence of corruption and illegal handling of public money. Among many others, the case of the missing 4 billion dollars of the Oil Stabilization Fund in 2002; or the missing 3.5 billion dollars of oil revenues that last year never made it into the country, thus violating the Central Bank law which specifically required that all dollar-income coming from the oil company, PDVSA, be sold to the Venezuelan Central Bank. Instead, the General Public Prosecutor has been busy building arbitrary cases against perceived political threats. Among others, his office opened, on April 7, 2005, a criminal prosecution -for “conspiracy” on the bases of hearsay and press articles- against Carlos Ayala-Corao, former president of the Inter-American Human Rights Commission. Also, it has recently pressed charges against a major opposition journalist – Ibéyise Pacheco— who is standing as a candidate for the National Assembly, for “false testimony against the Public Prosecutor”.

Yes, Venezuela has become a country with less freedom, fewer checks and balances and less democracy. The National Assembly has made it a habit to change by simple majority rules that according to the Constitution require a 2/3 majority. In order to do so, the Assembly changed in 7 occasions -also by simple majority- its rules for internal debate. It has thus reformed the Supreme Court Law, increasing the number of

justices and unconstitutionally packing it with its own supporters. It has changed the Penal Code, making it a crime to criticize the President and other public officials even in private. It has changed the Law that regulates the use of the airwaves, limiting freedom of expression. It has ignored Human Rights decisions taken by supranational authorities, thus preparing the ground for non-recognition of decisions by international tribunals or organizations. Just a few days ago the Supreme Court authorized an electoral rule that would undo the constitutional mandated system of proportional representation with a system that would give the Government an unwarranted advantage in the way votes are transformed into seats.

In Venezuela today freedom of expression has been terribly suppressed by new legislation which was approved by a simple majority vote. The Law of Social Responsibility of the Radio and Television introduced rules internationally known as “contempt laws”. General Uson, President Chavez’s own Finance Minister, was accused of contempt of the Armed Forces and sentenced to a 6-year prison term for condemning on TV the use of a flamethrower in an incident in which a number of soldiers lost their lives in a military prison. The combination of changes to the legal expression of opinion with those made to the Penal Code have been severely criticized by organizations such as the Inter American Commission of Human Rights, Reporters without Frontiers, Human Rights Watch (HRW), Inter American Press Society (SIP) and the International Association of Broadcasting Radio (AIR). These organizations share the view that the new laws create an unbearable “strait jacket” on Freedom of Speech and the Press, criminalizing political dissent and using the criminal law as an intimidating and threatening weapon against political minorities. As a result, in Venezuela today there are numerous journalist prosecuted, persecuted and harassed by the Public Prosecutor and the Courts. The Inter-American Human Rights Commission has expressed its concern and many journalists have been granted precautionary protection measures.

In Venezuela today the voice of political dissent has few possibilities to express itself while the President has been overflowing airwaves with his message. The government regularly requires radio and TV stations to transmit live propaganda and sections of the 5-hours-long TV program *Aló Presidente*, starring Mr. Chavez. During the January-October period the President was able to transmit 20.944.000 minutes while the

democratic minorities transmitted only 825 minutes: a ratio of about 25.000 to 1. In Venezuela today your telephone conversations can be taped and aired in the state-owned TV stations. Last year one of my emails was read by MVR congressman William Lara in the government owned channel 8 as a “proof” that the OAS electoral mission was biased in favor of the opposition.

In Venezuela the institution of the vote is in jeopardy while the National Electoral Council (CNE) violates the Constitution and the electoral laws. In my country, the secrecy of the vote cannot be guaranteed because of the use of a system which combines electronic voting machines with an electronic fingerprinting system which identifies the voter *in situ* right before voting. The system was not design to prevent FARC guerillas from voting in the Recall Referendum but it does allow the Government to check in real time who has not yet voted on an election-day so as to pressure them to do so, as happened in the last municipal elections held on August 7, 2005. According to SUMATE, during that election, the Electoral Council violated electoral laws more than 20 times. (*State of Democracy in Venezuela: only the facts* at www.SUMATE.org)

In Venezuela today there is no difference between the budget of the government and the pocket of the government party. The government thrives in the ambiguity of whether social programs are for citizens or just for militants. Program participants are required to wear t-shirts with the colors and slogans of the government party. These programs are not financed through the national budget but instead through obscure and un-transparent transfers from the National Oil Company PDVSA. The oil company spent over 2 years without auditing its books, making it impossible for citizens to monitor the use of their resources.

I could go on for hours but my time has run out. I did not come to speak to this prestigious audience to ask for help, nor did I come to persuade the US Congress of the need to interfere in our destiny. Venezuela has a long history of self determination and we will continue to stand for it. But I did come today to make you reflect about our current challenges and opportunities. Fish don't know they are in water. They take water for granted. Venezuelans used to take freedom for granted, not knowing what the institutional underpinnings of their freedom were. Today those institutional foundations have been taken away. History is full of lessons about countries where governments are

not constrained by laws. Venezuela is becoming one more exhibit in that gruesome old lesson.